

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHARLES E. ROTHMAN,)
)
Plaintiff,)
)
v.) No. 4:11CV639 CEJ
)
UNKNOWN CHASTIN, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to compel. Because plaintiff is a prisoner, this case is assigned to Track 5 of the Differentiated Case Management Program of the United States District Court of the Eastern District of Missouri. See E.D. Mo. L.R. 16 - 5.01, 16 - 5.04. In Track 5 cases, discovery may not take place until authorized by the Court and a schedule is set forth in a Track 5 Case Management Order. The Court has not yet authorized discovery in this action. As a result, the motion will be denied without prejudice.

Also before the Court is the failure to serve process on defendant Unknown Webb, a Sergeant at Eastern Reception Diagnostic and Correctional Center. The Court notes that the Clerk mistakenly requested Correctional Medical Services to waive service as to Webb. However, Webb is or was employed by the Missouri Department of Corrections, not Correctional Medical Services. As a result, the Court

will order serve process on Webb in accordance with the Court's Waiver of Service Agreement with the Missouri Department of Corrections.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to compel [Doc. 34] is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall serve process on defendant Unknown Webb, Sergeant at Eastern Reception Diagnostic and Correctional Center, in accordance with the Court's Waiver of Service Agreement with the Missouri Department of Corrections.

Dated this 1st day of November, 2011.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE